

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2014120778

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT,

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT,

OAH Case No. 2015010664

v.

ORDER GRANTING MOTION TO
CONSOLIDATE

PARENT ON BEHALF OF STUDENT.

On December 12, 2014, Student filed a request for due process hearing (complaint) in Office of Administrative Hearings case number 2014120778 (first case), naming the San Francisco Unified School District, Antioch Unified School District, and the West Contra Costa County Unified School District as respondents. On January 28, 2015, Student's request to dismiss Antioch and West Contra Costa was granted.

On January 21, 2015, San Francisco filed with OAH a complaint in OAH case number 2015010664 (second case), naming Student as respondent.

On January 21, 2015, San Francisco filed a motion to consolidate the first case with the second case. Student did not file a response to the motion.

CONSOLIDATION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subdivision (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the first case and second case involve a common question of law or fact, specifically, the assessment of Student during the 2014-2015 school year. Student did not oppose the motion. In addition, consolidation furthers the interests of judicial economy because both cases require the testimony of common witnesses. Accordingly, consolidation is granted.

ORDER

1. San Francisco Unified School District's motion to consolidate is granted. OAH case number 2015010664 (second case) will be the primary case.
2. All dates previously set in OAH case number 2014230778 (first case) are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH case number 2015010664 (second case). The case will proceed on the dates currently set in the second case.

DATE: February 2, 2015

/s/
MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings